

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Miami- Dade County, Florida
Licensee of Public Safety Stations
WPGD547 WPGD548 WPGD549 WPKI745
WPMP618 WQIR731 WQKZ227
WT Docket No. 02-55

ORDER

Adopted: July 23, 2014

Released: July 23, 2014

By the Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau:

I. INTRODUCTION AND BACKGROUND

1. Under consideration is the July 11, 2014 Further Request for Waiver of the June 26, 2008 Deadline for Completion of 800 MHz Rebanding as it Applies to Miami-Dade County (Request) by Miami, Dade County, Florida (Miami-Dade) for waiver of the June 26, 2008 completion date for rebanding of its 800 MHz communications system, and the July 21, 2014 Partial Opposition to Further Request for an Extension of Time to Complete 800 MHz Band Reconfiguration by Miami-Dade County (Opposition) filed by Sprint Corporation (Sprint) on July 21, 2014.

2. Miami-Dade seeks an extension of time until January 21, 2015 to complete the rebanding of its system. It has encountered an unforeseen need to recall approximately 14,000 radios for reprogramming of the radios' firmware. Sprint "partially" opposes the Request because of asserted "effects on Sprint's own network and its customers," and urges the Commission to direct that Miami-Dade relinquish all of its pre-rebanding frequencies to Sprint by October, 2014. For the reasons set out below, we hold the Request in abeyance pending receipt of additional information from Miami-Dade.

II. DISCUSSION

3. Sprint would have us propound a number of questions to Miami-Dade, e.g., why Miami-Dade did not earlier address the technical problems with its radios when it discovered that the firmware in the radios required updating; why Miami-Dade reverted to its pre-rebanding frequencies and why other alternatives were not pursued. We decline to do so. We assume that Miami-Dade did not decide to recall its radios on a whim and that Miami-Dade is just as anxious as Sprint to have the updated radios returned to service.

4. Sprint also requests that we order Miami-Dade to provide bi-weekly status reports to Sprint and the Commission concerning the number of radios updated and the number remaining. We

1 Request at 1.

2 Id. at 2.

3 Opposition at 2.

4 Id.

5 Id.

6 Id.

will require Miami-Dade to file such reports by email to the Policy and Licensing Division of the Public Safety and Homeland Security Bureau. Miami-Dade may copy Sprint on such emails.

5. Sprint submits that we should require Miami-Dade to release its pre-rebanding frequencies for Sprint's use by the end of October 2014.⁷ This, Sprint claims, is appropriate because it coincides with Miami-Dade's "own projected schedule" for completing a first touch of its radios.⁸ We decline to do so. Miami-Dade's projection for completion of a first touch to its radios was made before Miami-Dade encountered unforeseen problems with its radios which required updating the radios' firmware. That said, however, we find that Miami-Dade has not justified its request that it be allowed until January 21, 2015 to complete the firmware update. The time necessary to correct the radios' firmware is a function of the resources applied to the task. Miami-Dade has not disclosed the number of persons and technical resources assigned to the firmware updating or explained why additional persons and technical resources cannot be devoted to the task so as to complete it before January 21, 2015. Accordingly, we are directing Miami-Dade to report, within 5 days of the release of this *Order*, the resources currently devoted to firmware updating and to explain why additional resources cannot be applied to the task so as to ensure its completion before January 21, 2015.

III. DECISION

6. As Sprint notes, Miami-Dade's rebanding obligation began in June, 2005 and it is the last licensee, excepting those in border states, to return frequencies in the "old" NPSPAC band to Sprint.⁹ Much of Miami-Dade's delay is attributable to its decision to replace, rather than reband, its 800 MHz communications system. Thus, we impress on Miami-Dade the imperative of completing its firmware reprogramming in the shortest feasible time, and are holding its waiver request in abeyance, pending Miami-Dade's submission of the information required of Miami-Dade herein.

IV. ORDERING CLAUSE

7. Accordingly IT IS ORDERED that the July 11, 2014 request by Miami, Dade County, Florida for waiver of the June 26, 2008 completion date for rebanding of its 800 MHz communications system IS HELD IN ABEYANCE pending receipt of the information required of Miami, Dade County, Florida in the instant *Order*.

8. This action is taken under delegated authority pursuant to Sections 0.191(a) and 0.392 of the Commission's Rules, 47 C.F.R. §§ 0.191(a), 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Michael J. Wilhelm
Deputy Chief
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Public Safety and Homeland Security Bureau

⁷ *Id.* at 2-3.

⁸ *Id.* at 2.

⁹ *Id.* at 2 n.1.